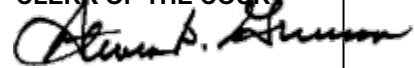


EXHIBIT A

EXHIBIT A



Jonathan D. Roven (SBN 015807)
3753 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Tel.: 702-605-5409
jon@thenevadalaawyer.com

Attorney for Plaintiff JOHNELLE GARLAND

CASE NO: A-23-871275-C

Department 4

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHNELLE GARLAND,
Plaintiffs,

v.

EDIC, a Nevada corporation; ROE
CORPORATIONS 1 TO 10;

Defendants.

CASE NO:

DEPT. NO:

**COMPLAINT; DEMAND FOR JURY
TRIAL**

ARBITRATION EXEMPTED

1 COMES NOW Plaintiff JOHNELLE GARLAND (hereinafter "Plaintiff" or
2 "GARLAND") complains as follows:

- 3 1. Plaintiff JOHNELLE GARLAND was at all times relevant a resident of Clark
4 County, Nevada.
- 5 2. Defendant EDIC (hereinafter "EDIC") is an economic entity duly licensed to
6 conduct, and was conducting at all pertinent times, business in Clark County,
7 Nevada.
- 8 3. The identities of DEFENDANTS, Does 1 through 10, are unknown at this time and
9 maybe individuals, partnerships, subsidiaries, units, parent corporations,
10 businesses, entities, companies, joint ventures, and/or corporations and maybe
11 alternate identities and/or masters, agents, servants, employees, employers,
12 predecessors-in-interest, successors-in-interest, or assigns of the named
13 DEFENDANTS herein. Plaintiff alleges that each of the DEFENDANTS
14 designated as the DEFENDANTS, DOES 1 through 10 and/or ROE
15 CORPORATION DEFENDANTS 1 through 10, and vice versa. Plaintiff requests
16 leave of Court to amend this complaint to name the DOE and ROE Corporation
17 Defendants when their identities become known.
- 18 4. This action is brought by the Plaintiff as a former employee EDIC who was
19 harassed, discriminated against based on race, and retaliated against in various
20 unlawful forms for engaging in protected activities.
- 21 5. On or about May 6, 2022, Defendant EDIC hired Plaintiff GARLAND as a
22 Stockroom Associate. Plaintiff performed his job satisfactorily until his termination.
23 Plaintiff was in the same position until his termination on or about December 23,
24 2022.
- 25 6. Plaintiff is a black man. After Plaintiff started working, the Defendant would keep
26 the front doors locked causing Plaintiff to bang on the doors and be late to clock-
27 in. Other non-Black employees were not subjected to these terms and conditions
28 of employment. On March 25, 2022, Plaintiff asked Manager Carlos, Last Name

1 Unknown (non-Black), for 4-vacation days off. Carlos granted the time off.
2 However, Manager Carlos did not advise the other Manager Paul, Last Name
3 Unknown (non-Black), concerning the vacation time off. Subsequently, Manager
4 Paul issued Plaintiff a written discipline for no call no show, which Plaintiff denies.
5 On November 30, 2022, Plaintiff came down with an illness and Plaintiff submitted
6 a doctor's note to be out of work. On December 16, 2022, when Plaintiff returned
7 to work, Plaintiff was called the "N" work in Spanish by non-Black coworkers.
8 Plaintiff was offended and embarrassed. On December 20, 2022, Plaintiff
9 complained of race-based harassment to Manager Carlos. The harassment
10 occurred under one of the business' cameras. The Defendant did nothing to
11 correct the harassment. Plaintiff believes that on December 23, 2022, Plaintiff was
12 discharged from my employment in retaliation for complaining of racial
13 harassment.

- 14 7. Plaintiff filed timely charges of discrimination with the appropriate administrative
15 agencies, including the Nevada Equal Rights Commission ("NERC") and the U.S.
16 Equal Employment Opportunity Commission ("EEOC"). The EEOC (along with
17 NERC) has given these plaintiffs their right to sue letters, and therefore, Plaintiffs
18 have fulfilled all jurisdictional requirements for the filing of this suit under the
19 applicable statutes of Nevada and The United States of America.

20 **FIRST CLAIM FOR RELIEF**

21 **(Discrimination Pursuant to NRS 613.330 and 613.340)**

- 22 8. Plaintiff hereby repeats and re-alleges the allegations set forth above, inclusive,
23 as though fully set forth herein.
- 24 9. Nevada law prohibits employers to discriminate or harass in pay and/or discharge
25 an employee due to a person's race, color, religion, sex, sexual orientation,
26 gender identity or expression, age, disability or national origin.
- 27
28

1 10. Defendants violated Nevada law when Defendants discriminated, harassed
2 Plaintiff based on his race, and retaliated against Plaintiff for complaining about
3 racial harassment and requesting time off due to illness.

4 11. Due to the unlawful actions of the Defendants, Plaintiff was damaged in an
5 amount in excess of \$10,000.00.

6 12. Due to the unlawful actions of the Defendants, Plaintiff was required to retain the
7 services of an attorney.

8 **SECOND CLAIM FOR RELIEF**

9 **(Intentional Infliction of Emotional Distress – Against Defendant WCPM)**

10 13. Plaintiff hereby repeats and re-alleges the allegations set forth above, inclusive,
11 as though fully set forth herein.

12 14. By its actions described herein, the Defendant intentionally and/or recklessly
13 subjected the Plaintiff to severe emotional distress.

14 15. The Defendant's actions were extreme and outrageous, and shocking to any
15 reasonable mind as well as to the Plaintiff.

16 16. As a direct and proximate result of the Defendant's infliction of emotional distress,
17 the Plaintiff has been damaged in an amount in excess of \$15,000.00.

18 17. The Defendant's actions were oppressive, malicious, willful, intentional or done
19 with reckless disregard of and callous indifference to the Plaintiffs rights and, as
20 such, punitive damages in an amount in excess of \$15,000.00 should be awarded
21 to punish the Defendant and to deter such conduct in the future.

22 18. As such, Plaintiff has incurred damages, which are in excess of \$15,000.

23 19. Due to the Defendants' conduct, the Plaintiff was forced to retain the services of
24 an attorney to prosecute this action, and as such, Plaintiff is entitled to a
25 reasonable award of attorneys' fees and costs of suit incurred herein.

26 **DEMAND FOR JURY TRIAL**

27 Plaintiff hereby demands a trial by jury.
28

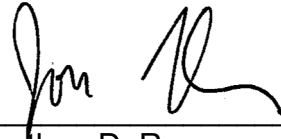
PRAYER FOR RELIEF

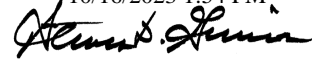
WHEREFORE, Plaintiff prays for judgment as follows:

1. A sum in excess of \$10,000 for general, compensatory and special damages for the plaintiff;
2. For legal pre—judgment interest at the interest rate allowable by law;
3. For punitive damages in excess of \$10,000;
4. For reasonable attorney fees and costs of suit; and
5. For any such further relief this court deems just and proper.

DATED: May 25, 2023

By: _____


Jonathan D. Roven
Attorney for Plaintiff


CLERK OF THE COURT

OSCD

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHNELLE GARLAND,

Plaintiff(s)

vs.

EDIC,

Defendant(s)

CASE NO: A-23-871275-C

Department 4

HEARING DATE: December 5, 2023

HEARING TIME: 9:00 AM

ORDER TO SHOW CAUSE RE: DISMISSAL

IT IS HEREBY ORDERED that the parties are directed to appear before the Court to show cause, if any they have, why the above-entitled matter should not be dismissed by the Court as prescribed by Nevada statutes and local court rules indicated by an X below:



Failure to serve the summons and complaint upon the defendant within 120 days after the filing of the complaint. NRCP 4(e)(2).



Failure to hold the mandatory discovery meeting described in Rule 16.1(a) within one hundred and eighty (180) days after service of the summons and complaint upon a defendant. NRCP 16.1(e)(1).



Failure by the Plaintiff to file a case conference report within two hundred and forty (240) days after the service of a summons and complaint upon a defendant. NRCP 16.1(e)(2).



Failure to take action for more than 6 months on a case that has been pending for more than 12 months. EDCR 2.90 Cases dismissed under this rule may be reactivated within 30 days upon written request of a party or party's attorney.



Failure by Plaintiff for two years after action is filed to bring such action to trial. NRCP 41(e).



Failure to bring this action to trial within five years after the Plaintiff has filed an action. NRCP 41(e).

1
2
3 IT IS FURTHER ORDERED that the hearing regarding dismissal of this case has
4 been scheduled to take place on **December 5, 2023**, at the hour of 9:00 AM, in Department
5 4, courtroom 3C. In the event that counsel or parties in proper person fail to appear, the
6 Court will dismiss this action without prejudice.
7

8 DATED: This 16th day of October, 2023.
9

10
11 Dated this 16th day of October, 2023

12 

13 078 75F 004C F74E
14 Nadia Krall
15 District Court Judge
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Johnelle Garland, Plaintiff(s)

CASE NO: A-23-871275-C

7 vs.

DEPT. NO. Department 4

8 EDIC, Defendant(s)
9

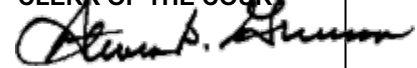
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case.

13
14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 10/17/2023

16 Jonathan Roven

Jonny Law
Attn: Jonathan Roven, Esq
14546 Hamlin St, Ste 107
Van Nuys, CA, 91411



Jonathan D. Roven (SBN 015807)
3753 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Tel.: 702-605-5409
jon@thenevadalaawyer.com

Attorney for Plaintiff JOHNELLE GARLAND

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHNELLE GARLAND,
Plaintiffs,

v.

EDIC, a Nevada corporation; ROE
CORPORATIONS 1 TO 10;

Defendants.

CASE NO: A-23-871275-C

DEPT. NO: 4

**MOTION TO EXTEND TIME FOR
SERVICE; AFFIDAVIT OF JONATHAN
ROVEN**

HEARING NOT REQUESTED

1 Plaintiff CHARLES TINDER ("Plaintiff") hereby requests to be granted additional
2 time to serve the Summons and Complaint. Plaintiff's counsel thought this matter was
3 out for service already and inadvertently checked and noticed that it was not after receipt
4 of the OSC re Dismissal in December.

5 This application is based on NRCP 4(e) and Rule 60, that this was the mistake,
6 inadvertence, surprise and excusable neglect of Plaintiff's counsel. Plaintiff's counsel
7 immediately set the initial documents out for service upon receipt of the OSC re
8 Dismissal.

9 The application is also based on the Exhibits, papers and pleading filed herewith,
10 the court file on this matter, the declaration of Plaintiff's Counsel filed herewith, and any
11 testimony or argument the court may Order.

12 It is requested this application be granted without hearing as these motions are
13 typically handled on an Ex Parte basis, or, it is requested that a hearing on an Order
14 Shortening time be set.

15
16 DATED: October 23, 2023

17
18 By: 
19 Jonathan D. Roven
20 Attorney for Plaintiff
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**AFFIDAVIT OF JONATHAN ROVEN IN SUPPORT OF MOTION
TO EXTEND THE TIME FOR SERVICE OF THE SUMMONS AND COMPLAINT**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Jonathan Roven, do swear, under penalty of perjury, under the laws of the State of Nevada, the following is true and correct, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

1. GRANT ADDITIONAL TIME OR SET HEARING: motions for additional time to serve are typically granted without hearing. If the Court determines a hearing in this matter is necessary, it is requested that the hearing be set, EDIC likely is aware of this litigation as Plaintiff's counsel reasonably believes that the NERC (Nevada Equal Rights Commission) contacted Defendant regarding this matter.

2. In order for a Plaintiff to receive an Order granting additional time to serve a defendant, the Plaintiff must make two showings: a. Show good cause why the motion for additional time to serve was not filed prior to the expiration of 120 days and; b. 2. Show good cause why service was not made within the 120 days.

3. Good Cause For Bringing Motion After 120-Day Expiration: Plaintiff's counsel made a mistake, inadvertence, excusable neglect and surprise that this matter was not yet set out for service. Plaintiff's counsel has been diligent in obtaining the Right to Sue and filing the complaint, and therefore Plaintiff's counsel was surprised to receive the OSC re: Dismissal. Immediately upon receipt, Plaintiff's counsel set the matter out for service and filed the instant Motion.

4. Good Cause For Extending Date For Service:

a. good cause exists for extending service as:

i. Plaintiff's counsel's error should not prejudice the Plaintiff, and that there is no prejudice to the Defendant whatsoever.

5. 120 days from filing is September 22, 2023.

1 6. REQUEST FOR JUDICIAL NOTICE: Plaintiff requests that Judicial Notice be given to
2 the following: Complaint, the Application for additional time to serve, the declaration
3 thereon, and the Order finding good cause and granting additional time to serve and the
4 remainder of the pleadings and papers on file with the Court on this matter.

5 7. REQUEST FOR RELIEF: Plaintiff, by this Application, requests the Court make the
6 following Orders:

7 a) Plaintiff demonstrated good cause for failure to file this motion for additional time to
8 serve before the expiration of the deadline, as Plaintiff has been attempting service.


9 b) Plaintiff has demonstrated good cause to now extend the time for service of the
10 Summons and Complaint.

11 c) It is requested that the time to serve the Summons and Complaint on defendants be
12 extended an additional 90 days.

13
14 I declare, under penalty of perjury of the laws of the State of Nevada, the foregoing is
15 true.

16 DATED: October 23, 2023

17
18 By:  _____
19 Jonathan D. Roven
20 Attorney for Plaintiff
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Jonathan D. Roven (SBN 015807)
3753 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Tel.: 702-605-5409
jon@thenevadalaawyer.com

Attorney for Plaintiff JOHNELLE GARLAND

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHNELLE GARLAND,
Plaintiffs,

v.

EDIC, a Nevada corporation; ROE
CORPORATIONS 1 TO 10;

Defendants.

CASE NO: A-23-871275-C

DEPT. NO: 4

**AMENDED MOTION TO EXTEND TIME
FOR SERVICE; AFFIDAVIT OF
JONATHAN ROVEN**

HEARING NOT REQUESTED

1 **I. INTRODUCTION AND REQUEST**

2 Plaintiff JOHNELLE GARLAND ("Plaintiff") hereby requests to be granted
3 additional time to serve the Summons and Complaint. Plaintiff's counsel thought this
4 matter was out for service already and inadvertently checked and noticed that it was not
5 after receipt of the OSC re Dismissal in December.

6 This application is based on NRCP 4(e) and Rule 60, that this was the mistake,
7 inadvertence, surprise and excusable neglect of Plaintiff's counsel. Plaintiff's counsel
8 immediately set the initial documents out for service upon receipt of the OSC re
9 Dismissal.

10 The application is also based on the Exhibits, papers and pleading filed herewith,
11 the court file on this matter, the declaration of Plaintiff's Counsel filed herewith, and any
12 testimony or argument the court may Order.

13 It is requested this application be granted without hearing as these motions are
14 typically handled on an Ex Parte basis, or, it is requested that a hearing on an Order
15 Shortening time be set.

16 Dismissal would result in extreme prejudice to the Plaintiff as the statute of
17 limitations may run, and cases should be tried on their merits.

18 **II. THE COURT SHOULD GRANT THE EXTENSION**

19 Pursuant to NRCP 6(b) and 4(d)(i), a plaintiff may be afforded additional time to
20 serve the summons and complaint upon a defendant, if the plaintiff shows good cause
21 why such service was not made within the 120-day time frame. Nev. R. Civ. P. 6(b) and
22 4(d)(i)(2007).

23 When making a determination under NRCP 4(i), the district court should recognize
24 that "good public policy dictates that cases be adjudicated on their merits." *Kahn v.*
25 *Orme*, 108 Nev. 510, 516, 835 P.2d 790, 794 (1992).

26 In analyzing failures to serve timely, courts must apply a two-pronged test.
27 *Saavedra-Sandoval v. Wal-Mart Stores*, 126 Nev. 592, 245 P.3d 1198 (2010). In order to
28 determine whether a motion to enlarge should be granted, the court first must determine

1 if the motion to enlarge was filed within the initial 120-day period, and if not, whether
2 good cause existed for the untimely filing. Id. Second, the court must determine whether
3 there was good cause for the failure to effect service within the initial 120-day period. Id.
4 Good cause is determined on a case-by-case basis. *Scrimmer v. Eighth Jud. Dist.*, 116
5 Nev. 507, 998 P.2d 1190 (2000). In *Scrimmer*, the Nevada Supreme Court listed various
6 factors for consideration in making the determination of "good cause" under Rule 4. The
7 applicable factors include:

8 3. Plaintiffs diligence in attempting service;

9 Plaintiff has set the matter out for service currently.

10 5. Running of the applicable statute of limitations;

11 Since this matter must be filed within 90 days of the Right to Sue Letter, a
12 dismissal would be extremely prejudicial to the Plaintiff as it would effectively end the
13 case.

14 7. The time between the end of the 120-day period and effective service;

15 The matter was out for service currently.

16 8. Prejudice to the defendant from the delay in service;

17 There would be no prejudice to the Defendant.

18 9. Defendant's knowledge of the lawsuit;

19 Defendant is likely aware of the lawsuit as they were likely in touch with the NERC
20 prior to the issuance of the Right to Sue Letter.

21 10. Any extensions of time granted by the court.

22 There have been no prior extensions.

23 **III. CONCLUSION**

24 Plaintiff would be extremely prejudiced if the matter is dismissed as the statute of
25 limitations would likely run. The matter is currently out for service. It was due to
26 inadvertence of counsel that the matter was not yet set out for service.

1 DATED: October 27, 2023

2
3 By: 
4 Jonathan D. Roven
5 Attorney for Plaintiff
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**AFFIDAVIT OF JONATHAN ROVEN IN SUPPORT OF MOTION
TO EXTEND THE TIME FOR SERVICE OF THE SUMMONS AND COMPLAINT**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Jonathan Roven, do swear, under penalty of perjury, under the laws of the State of Nevada, the following is true and correct, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

1. GRANT ADDITIONAL TIME OR SET HEARING: motions for additional time to serve are typically granted without hearing. If the Court determines a hearing in this matter is necessary, it is requested that the hearing be set, EDIC likely is aware of this litigation as Plaintiff's counsel reasonably believes that the NERC (Nevada Equal Rights Commission) contacted Defendant regarding this matter.

2. In order for a Plaintiff to receive an Order granting additional time to serve a defendant, the Plaintiff must make two showings: a. Show good cause why the motion for additional time to serve was not filed prior to the expiration of 120 days and; b. 2. Show good cause why service was not made within the 120 days.

3. Good Cause For Bringing Motion After 120-Day Expiration: Plaintiff's counsel made a mistake, inadvertence, excusable neglect and surprise that this matter was not yet set out for service. Plaintiff's counsel has been diligent in obtaining the Right to Sue and filing the complaint, and therefore Plaintiff's counsel was surprised to receive the OSC re: Dismissal. Immediately upon receipt, Plaintiff's counsel set the matter out for service and filed the instant Motion. However it appears that the process server canceled since it is passed the 120-day deadline.

4. Good Cause For Extending Date For Service:

Plaintiff's counsel's error should not prejudice the Plaintiff, and that there is no prejudice to the Defendant whatsoever. Plaintiff has set the matter out for service currently. Since this matter must be filed within 90 days of the Right to Sue Letter, a dismissal would be

1 extremely prejudicial to the Plaintiff as it may effectively end the case. The matter was
2 out for service currently but it appears as though the process server canceled it because
3 of the deadline. There would be no prejudice to the Defendant due to a delay in service.
4 Defendant is likely aware of the lawsuit as they were likely in touch with the NERC prior
5 to the issuance of the Right to Sue Letter. There have been no prior extensions.

6 5. 120 days from filing is September 22, 2023.

7 6. REQUEST FOR JUDICIAL NOTICE: Plaintiff requests that Judicial Notice be given to
8 the following: Complaint, the Application for additional time to serve, the declaration
9 thereon, and the Order finding good cause and granting additional time to serve and the
10 remainder of the pleadings and papers on file with the Court on this matter.

11 7. REQUEST FOR RELIEF: Plaintiff, by this Application, requests the Court make the
12 following Orders:

13 a) Plaintiff demonstrated good cause for failure to file this motion for additional time to
14 serve before the expiration of the deadline, as Plaintiff has been attempting service.

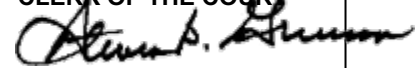
15 b) Plaintiff has demonstrated good cause to now extend the time for service of the
16 Summons and Complaint.

17 c) It is requested that the time to serve the Summons and Complaint on defendants be
18 extended an additional 90 days.

19
20 I declare, under penalty of perjury of the laws of the State of Nevada, the foregoing is
21 true.

22 DATED: October 27, 2023

23
24 By: 
25 Jonathan D. Roven
26 Attorney for Plaintiff
27
28



Jonathan D. Roven (SBN 015807)
3753 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Tel.: 702-605-5409
jon@thenevadalaawyer.com

Attorney for Plaintiff JOHNELLE GARLAND

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHNELLE GARLAND,
Plaintiffs,

v.

EDIC, a Nevada corporation; ROE
CORPORATIONS 1 TO 10;

Defendants.

CASE NO: A-23-871275-C

DEPT. NO: 4

**SECOND AMENDED MOTION TO
EXTEND TIME FOR SERVICE;
AFFIDAVIT OF JONATHAN ROVEN**

HEARING NOT REQUESTED

1 **I. INTRODUCTION AND REQUEST**

2 Plaintiff JOHNELLE GARLAND ("Plaintiff") hereby requests to be granted
3 additional time to serve the Summons and Complaint. Plaintiff's counsel thought this
4 matter was out for service already and inadvertently checked and noticed that it was not
5 after receipt of the OSC re Dismissal in December.

6 This application is based on NRCP 4(e) and Rule 60, that this was the mistake,
7 inadvertence, surprise and excusable neglect of Plaintiff's counsel. Plaintiff's counsel
8 immediately set the initial documents out for service upon receipt of the OSC re
9 Dismissal.

10 The application is also based on the Exhibits, papers and pleading filed herewith,
11 the court file on this matter, the declaration of Plaintiff's Counsel filed herewith, and any
12 testimony or argument the court may Order.

13 It is requested this application be granted without hearing as these motions are
14 typically handled on an Ex Parte basis, or, it is requested that a hearing on an Order
15 Shortening time be set.

16 Dismissal would result in extreme prejudice to the Plaintiff as the statute of
17 limitations may run, and cases should be tried on their merits.

18 **II. THE COURT SHOULD GRANT THE EXTENSION**

19 Pursuant to NRCP 6(b) and 4(d)(i), a plaintiff may be afforded additional time to
20 serve the summons and complaint upon a defendant, if the plaintiff shows good cause
21 why such service was not made within the 120-day time frame. Nev. R. Civ. P. 6(b) and
22 4(d)(i)(2007).

23 When making a determination under NRCP 4(i), the district court should recognize
24 that "good public policy dictates that cases be adjudicated on their merits." *Kahn v.*
25 *Orme*, 108 Nev. 510, 516, 835 P.2d 790, 794 (1992).

26 In analyzing failures to serve timely, courts must apply a two-pronged test.
27 *Saavedra-Sandoval v. Wal-Mart Stores*, 126 Nev. 592, 245 P.3d 1198 (2010). In order to
28 determine whether a motion to enlarge should be granted, the court first must determine

1 if the motion to enlarge was filed within the initial 120-day period, and if not, whether
2 good cause existed for the untimely filing. Id. Second, the court must determine whether
3 there was good cause for the failure to effect service within the initial 120-day period. Id.
4 Good cause is determined on a case-by-case basis. *Scrimmer v. Eighth Jud. Dist.*, 116
5 Nev. 507, 998 P.2d 1190 (2000). In *Scrimmer*, the Nevada Supreme Court listed various
6 factors for consideration in making the determination of "good cause" under Rule 4. The
7 applicable factors include:

8 1. Difficulties in locating the defendant;

9 There was not severe difficulty in locating the defendant.

10 2. The defendant's efforts at evading service or concealment of improper service
11 until after the 120-day period has lapsed;

12 The defendant did not evade service to Plaintiff's knowledge.

13 3. Plaintiffs diligence in attempting service;

14 Plaintiff has set the matter out for service currently, however it appears as though
15 the process server canceled the service because it was after the 120-day deadline. ABC
16 Legal wrote to Plaintiff's counsel, "Hello Jonathan, Our system has indicated the last date
17 to serve your order was on 9/22/23 based on the data within your case. If this is
18 incorrect, please reach out and provide a new last date to serve, and we will have your
19 documents dispatched for service asap. Kindly, ABC Legal Customer Support". Since
20 then, Plaintiff's counsel told ABC Legal to serve the documents anyway, and has
21 engaged another process server to serve the documents.

22 4. Difficulties encountered by counsel;

23 It was due to Plaintiff's counsel's mistake in not ensuring this was out for service
24 that it did not go out timely. Currently, Plaintiff's counsel is now filing its third Motion to
25 Extend Service, has located the defendant, and is ready to serve the defendant
26 immediately upon the extension. Plaintiff's counsel has also engaged two process
27 servers to serve the Defendant.

28 5. Running of the applicable statute of limitations;

1 Since this matter must be filed within 90 days of the Right to Sue Letter, a
2 dismissal would be extremely prejudicial to the Plaintiff as it would effectively end the
3 case. A dismissal is not the right remedy in this situation. Plaintiff's counsel has the
4 documents out for service and dismissing the case could render the case unable to
5 litigate.

6 6. The parties' good faith attempts to settle the litigation during the 120-day
7 period;

8 Plaintiff's counsel believes the Nevada Equal Rights Commission reached out to
9 the Defendant with a Charge Letter and a Remedy Request and Settlement Demand.
10 However, Plaintiff's counsel believes that this was prior to the 120-day period, however
11 Plaintiff's counsel did not hear from EDIC up until the present date despite the settlement
12 demand.

13 7. The time between the end of the 120-day period and effective service;

14 The matter was out for service currently. Upon the notice of the hearing regarding
15 service, Plaintiff's counsel immediately set the matter out for service. However, ABC
16 Legal wrote that this was past the deadline. Plaintiff's counsel told ABC Legal to serve
17 the documents anyway and has engaged another process server to serve the
18 documents. The matter has not yet been served but it is currently out with two process
19 servers.

20 8. Prejudice to the defendant from the delay in service;

21 There would be absolutely no prejudice to the Defendant. They have likely been
22 aware of Plaintiff's claim as NERC likely informed Defendant regarding the claim as
23 Plaintiff filled out documentation that is reasonably believed to be sent to the Defendant.
24 Plaintiff's counsel's error should not prejudice the Plaintiff, and that there is no prejudice
25 to the Defendant whatsoever. Plaintiff has set the matter out for service currently. Since
26 this matter must be filed within 90 days of the Right to Sue Letter, a dismissal would be
27 extremely prejudicial to the Plaintiff as it may effectively end the case. The matter was
28 out for service currently but it appears as though the process server canceled it because

1 of the deadline. There would be no prejudice to the Defendant due to a delay in service.
2 Defendant is likely aware of the lawsuit as they were likely in touch with the NERC prior
3 to the issuance of the Right to Sue Letter. There have been no prior extensions.

4 9. Defendant's knowledge of the lawsuit;

5 Defendant is likely aware of the lawsuit as they were likely in touch with the NERC
6 prior to the issuance of the Right to Sue Letter.

7 10. Any extensions of time granted by the court.

8 There have been no prior extensions.

9 **III. CONCLUSION**

10 Plaintiff would be extremely prejudiced if the matter is dismissed as the statute of
11 limitations would likely run. The matter is currently out for service. It was due to
12 inadvertence of counsel that the matter was not yet set out for service.

13 DATED: November 13, 2023

14
15 By:  _____

16 Jonathan D. Roven
17 Attorney for Plaintiff
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**AFFIDAVIT OF JONATHAN ROVEN IN SUPPORT OF MOTION
TO EXTEND THE TIME FOR SERVICE OF THE SUMMONS AND COMPLAINT**

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Jonathan Roven, do swear, under penalty of perjury, under the laws of the State of Nevada, the following is true and correct, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

1. GRANT ADDITIONAL TIME OR SET HEARING: motions for additional time to serve are typically granted without hearing. If the Court determines a hearing in this matter is necessary, it is requested that the hearing be set, EDIC likely is aware of this litigation as Plaintiff's counsel reasonably believes that the NERC (Nevada Equal Rights Commission) contacted Defendant regarding this matter.

2. In order for a Plaintiff to receive an Order granting additional time to serve a defendant, the Plaintiff must make two showings: a. Show good cause why the motion for additional time to serve was not filed prior to the expiration of 120 days and; b. 2. Show good cause why service was not made within the 120 days.

3. Good Cause For Bringing Motion After 120-Day Expiration: Plaintiff's counsel made a mistake, inadvertence, excusable neglect and surprise that this matter was not yet set out for service. Plaintiff's counsel has been diligent in obtaining the Right to Sue and filing the complaint, and therefore Plaintiff's counsel was surprised to receive the OSC re: Dismissal. Immediately upon receipt, Plaintiff's counsel set the matter out for service and filed the instant Motion. However it appears that the process server canceled since it is passed the 120-day deadline.

4. Good Cause For Extending Date For Service:

Plaintiff addresses the ten factors listed in *Scrimmer* as follows:

1. Difficulties in locating the defendant;

There was not severe difficulty in locating the defendant.

1 2. The defendant's efforts at evading service or concealment of improper service
2 until after the 120-day period has lapsed;

3 The defendant did not evade service to Plaintiff's knowledge.

4 3. Plaintiffs diligence in attempting service;

5 Plaintiff has set the matter out for service currently, however it appears as though
6 the process server canceled the service because it was after the 120-day deadline. ABC
7 Legal wrote to Plaintiff's counsel, "Hello Jonathan, Our system has indicated the last date
8 to serve your order was on 9/22/23 based on the data within your case. If this is
9 incorrect, please reach out and provide a new last date to serve, and we will have your
10 documents dispatched for service asap. Kindly, ABC Legal Customer Support". Since
11 then, Plaintiff's counsel told ABC Legal to serve the documents anyway, and has
12 engaged another process server to serve the documents.

13 4. Difficulties encountered by counsel;

14 It was due to Plaintiff's counsel's mistake in not ensuring this was out for service
15 that it did not go out timely. Currently, Plaintiff's counsel is now filing its third Motion to
16 Extend Service, has located the defendant, and is ready to serve the defendant
17 immediately upon the extension. Plaintiff's counsel has also engaged two process
18 servers to serve the Defendant.

19 5. Running of the applicable statute of limitations;

20 Since this matter must be filed within 90 days of the Right to Sue Letter, a
21 dismissal would be extremely prejudicial to the Plaintiff as it would effectively end the
22 case. A dismissal is not the right remedy in this situation. Plaintiff's counsel has the
23 documents out for service and dismissing the case could render the case unable to
24 litigate.

25 6. The parties' good faith attempts to settle the litigation during the 120-day
26 period;

27 Plaintiff's counsel believes the Nevada Equal Rights Commission reached out to
28 the Defendant with a Charge Letter and a Remedy Request and Settlement Demand.

1 However, Plaintiff's counsel believes that this was prior to the 120-day period, however
2 Plaintiff's counsel did not hear from EDIC up until the present date despite the settlement
3 demand.

4 7. The time between the end of the 120-day period and effective service;

5 The matter was out for service currently. Upon the notice of the hearing regarding
6 service, Plaintiff's counsel immediately set the matter out for service. However, ABC
7 Legal wrote that this was past the deadline. Plaintiff's counsel told ABC Legal to serve
8 the documents anyway and has engaged another process server to serve the
9 documents. The matter has not yet been served but it is currently out with two process
10 servers.

11 8. Prejudice to the defendant from the delay in service;

12 There would be absolutely no prejudice to the Defendant. They have likely been
13 aware of Plaintiff's claim as NERC likely informed Defendant regarding the claim as
14 Plaintiff filled out documentation that is reasonably believed to be sent to the Defendant.
15 Plaintiff's counsel's error should not prejudice the Plaintiff, and that there is no prejudice
16 to the Defendant whatsoever. Plaintiff has set the matter out for service currently. Since
17 this matter must be filed within 90 days of the Right to Sue Letter, a dismissal would be
18 extremely prejudicial to the Plaintiff as it may effectively end the case. The matter was
19 out for service currently but it appears as though the process server canceled it because
20 of the deadline. There would be no prejudice to the Defendant due to a delay in service.
21 Defendant is likely aware of the lawsuit as they were likely in touch with the NERC prior
22 to the issuance of the Right to Sue Letter. There have been no prior extensions.

23 9. Defendant's knowledge of the lawsuit;

24 Defendant is likely aware of the lawsuit as they were likely in touch with the NERC
25 prior to the issuance of the Right to Sue Letter.

26 10. Any extensions of time granted by the court.

27 There have been no prior extensions.
28

1
2 5. 120 days from filing is September 22, 2023.

3 6. REQUEST FOR JUDICIAL NOTICE: Plaintiff requests that Judicial Notice be given to
4 the following: Complaint, the Application for additional time to serve, the declaration
5 thereon, and the Order finding good cause and granting additional time to serve and the
6 remainder of the pleadings and papers on file with the Court on this matter.

7 7. REQUEST FOR RELIEF: Plaintiff, by this Application, requests the Court make the
8 following Orders:

9 a) Plaintiff demonstrated good cause for failure to file this motion for additional time to
10 serve before the expiration of the deadline, as Plaintiff has been attempting service.

11 b) Plaintiff has demonstrated good cause to now extend the time for service of the
12 Summons and Complaint.

13 c) It is requested that the time to serve the Summons and Complaint on defendants be
14 extended an additional 120 days.

15
16 I declare, under penalty of perjury of the laws of the State of Nevada, the foregoing is
17 true.

18 DATED: November 13, 2023

19
20 By: 
21 Jonathan D. Roven
22 Attorney for Plaintiff
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AFFIDAVIT OF SERVICE**Client Info:**

Jonathan Roven
3753 Howard Hughes Parkway
Suite 200
Las Vegas, NV 89169

Case Info:**Plaintiff:**

JOHNELLE GARLAND

-versus-

Defendant:

EDIC, a Nevada corporation; ROE CORPORATIONS 1 TO 10

Issuance Date: 11/13/2023 Court Case # **A-23-871275-C**

District Court

Court Division: Dept. No.: 4

County of Clark, Nevada

Service Info:**Date Received: 11/13/2023 at 01:02 PM****Service:** I Served **EDIC**With: **SUMMONS - CIVIL; COMPLAINT; DEMAND FOR JURY TRIAL**by leaving with **Carlos Herrera, MANAGER****At Business 3774 W CHEYENNE AVE, UNIT 110 NORTH LAS VEGAS, NV 89032**Latitude: **36.217806**, Longitude: **-115.189702**On **11/14/2023 at 09:49 AM****Manner of Service: BUSINESS****SERVICE:** was performed by delivering a true copy of this **SUMMONS - CIVIL; COMPLAINT; DEMAND FOR JURY TRIAL** to:**Carlos Herrera, MANAGER** at the address of: **3774 W Cheyenne Ave, Unit 110 North Las Vegas, NV 89032** with an agent lawfully designated by statute to accept service of process, pursuant to NRS 14.020, a person of suitable age and discretion at the address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State or entities usual place of business.**Served Description: (Approx)**Age: **35**, Sex: **Male**, Race: **Hispanic**, Height: **5' 6"**, Weight: **200**, Hair: **Brown** Glasses: **No**

I **Jacqueline T. Kohler**, acknowledge that I am authorized to serve process, in good standing in the jurisdiction wherein the process was served and I have no interest in the above, action. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Signature of Server:

Jacqueline T. KohlerLic # **R-097043****LV Process and Investigations, LLC**

License #2039

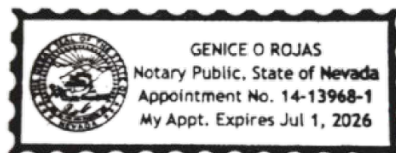
7181 N. Hualapai Way Suite 130-9

Las Vegas, NV 89166

Phone: (702) 592-3283

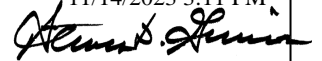
Our Job # **25812**

SUBSCRIBED AND SWORN to before me this 14 day of November, 2023, by Jacqueline Kohler,
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



NOTARY PUBLIC for the state of Nevada





CLERK OF THE COURT

Jonathan D. Roven (SBN 015807)
3753 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
Tel.: 702-605-5409
jon@thenevadaleawyer.com

Attorney for Plaintiff JOHNELLE GARLAND

DISTRICT COURT
CLARK COUNTY, NEVADA

JOHNELLE GARLAND,
Plaintiffs,

v.

EDIC, a Nevada corporation; ROE
CORPORATIONS 1 TO 10;

Defendants.

CASE NO: A-23-871275-C

DEPT. NO: 4

[PROPOSED] ORDER

**RE: SECOND AMENDED MOTION TO
EXTEND TIME FOR SERVICE**

HEARING NOT REQUESTED

ORDER

Pursuant to NRCP 6(b) and 4(d)(i), a plaintiff may be afforded additional time to serve the summons and complaint upon a defendant, if the plaintiff shows good cause why such service was not made within the 120-day time frame. Nev. R. Civ. P. 6(b) and 4(d)(i)(2007).

In analyzing failures to serve timely, courts must apply a two-pronged test. *Saavedra-Sandoval v. Wal-Mart Stores*, 126 Nev. 592,245 P.3d 1198 (2010). In order to determine whether a motion to enlarge should be granted, the court first must determine if the motion to enlarge was filed within the initial 120-day period, and if not, whether good cause existed for the untimely filing. *Id.* Second, the court must determine whether there was good cause for the failure to effect service within the initial 120-day period. *Id.*

Good cause is determined on a case-by-case basis. *Scrimmer v. Eighth Jud. Dist.*, 116 Nev. 507, 998 P.2d 1190 (2000). In *Scrimmer*, the Nevada Supreme Court listed 10 factors for consideration in making the determination of "good cause" under Rule 4:

1. Difficulties in locating the defendant;

There was not severe difficulty in locating the defendant.

2. The defendant's efforts at evading service or concealment of improper service until after the 120-day period has lapsed;

The defendant did not evade service to Plaintiff's knowledge.

3. Plaintiffs diligence in attempting service;

Plaintiff has set the matter out for service currently, however it appears as though the process server canceled the service because it was after the 120-day deadline. ABC Legal wrote to Plaintiff's counsel, "Hello Jonathan, Our system has indicated the last date to serve your order was on 9/22/23 based on the data within your case. If this is incorrect, please reach out and provide a new last date to serve, and we will have your documents dispatched for service asap. Kindly, ABC Legal Customer Support". Since then, Plaintiff's counsel told ABC Legal to serve the documents anyway, and has engaged another process server to serve the documents.

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12 litigate.

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14 period;

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17 However, Plaintiff's counsel believes that this was prior to the 120-day period, however
18 Plaintiff's counsel did not hear from EDIC up until the present date despite the settlement
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 2 aware of Plaintiff's claim as NERC likely informed Defendant regarding the claim as
 3 Plaintiff filled out documentation that is reasonably believed to be sent to the Defendant.
 4 Plaintiff's counsel's error should not prejudice the Plaintiff, and that there is no prejudice
 5 to the Defendant whatsoever. Plaintiff has set the matter out for service currently. Since
 6 this matter must be filed within 90 days of the Right to Sue Letter, a dismissal would be
 7 extremely prejudicial to the Plaintiff as it may effectively end the case. The matter was
 8 out for service currently but it appears as though the process server canceled it because
 9 of the deadline. There would be no prejudice to the Defendant due to a delay in service.
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 11 to the issuance of the Right to Sue Letter. There have been no prior extensions.

12 9. Defendant's knowledge of the lawsuit;

13 Defendant is likely aware of the lawsuit as they were likely in touch with the NERC
 14 prior to the issuance of the Right to Sue Letter.

15 10. Any extensions of time granted by the court.

16 There have been no prior extensions.

17
 18 IT IS THEREFORE ORDERED, FOR GOOD CAUSE:

19 Plaintiff JOHNELLE GARLAND may have until 120 days from the date of this
Order to serve the
 20 Defendant EDIC, a Nevada corporation, in the above-referenced matter.

21
 22 Dated: _____

Dated this 14th day of November, 2023



143 647 3D2A 424A
 Honorable Judge Nadia Krall
 Nadia Krall
 District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Johnelle Garland, Plaintiff(s)

CASE NO: A-23-871275-C

7 vs.

DEPT. NO. Department 4

8 EDIC, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/14/2023

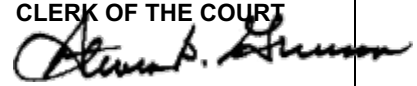
15 Jonathan Roven

jon@thenevadalawyer.com

16 Jonny Law

electronicservice@calljonnylaw.com

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**NOTA**

TREVOR J. HATFIELD, ESQ

Nevada Bar No. 7373

HATFIELD & ASSOCIATES, LTD.

703 S. Eighth Street

Las Vegas, Nevada 89101

Telephone: (702) 388-4469

Facsimile: (702) 386-9825

Email: thatfield@hatfieldlawassociates.com*Attorneys for Petitioner***DISTRICT COURT****CLARK COUNTY, NEVADA**

JOHNELLE GARLAND,

Plaintiff,

vs.

EDIC, a Nevada Corporation; ROE
CORPORATIONS 1 TO 10;

Defendants.

CASE NO: A-23-871275-C

DEPT NO: IV

NOTICE OF APPEARANCE

NOTICE IS HEREBY GIVEN that Defendant EDIC, a Nevada Corporation, will be represented by Trevor J. Hatfield, Esq. of the law firm of HATFIELD & ASSOCIATES, LTD., of the above-noted address in this action, and requests that all copies of notices, pleadings, and

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documents be served on him at thatfield@hatfieldlawassociates.com.

DATED December 7, 2023

HATFIELD & ASSOCIATES, LTD.

/s/ Trevor J. Hatfield

By: _____

TREVOR J. HATFIELD, ESQ.

Nevada Bar No. 007373

703 South Eighth Street

Las Vegas, Nevada 89101

(702) 388-4469 Tel.

(702) 386-9825 Fax

thatfield@hatfieldlawassociates.com

Attorneys for Plaintiff

HATFIELD & ASSOCIATES, LTD.
703 8th Street * Las Vegas, Nevada 89101
Telephone (702) 388-4469

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

JOHNELLE GARLAND

Plaintiff/Petitioner

vs.

EDIC, A NEDAVA CORPORATION; ET AL.

Defendant/Respondent

Case No.: **A-23-871275-C**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT

Pursuant to NRS 239B.030, this document does not contain any social security numbers or otherwise prohibited personal information as defined in NRS 603A.040

Received by **Don Taylor**, on the **13th day of November, 2023 at 5:06 PM** to be served upon **EDIC at 3774 West Cheyenne Avenue, North Las Vegas, Clark County, NV 89032.**

On the **16th day of November, 2023 at 2:25 PM**, I, **Don Taylor**, **SERVED EDIC at 3774 West Cheyenne Avenue, North Las Vegas, Clark County, NV 89032** in the manner indicated below:

CORPORATE SERVICE, by personally delivering 1 copy(ies) of the above listed documents to the named Corporation, by serving **Carlos Herrera**, on behalf of said Corporation.

THE DESCRIPTION OF THE PERSON WITH WHOM THE COPY OF THIS PROCESS WAS LEFT IS AS FOLLOWS:
I delivered the documents to Carlos Herrera who identified themselves as the person authorized to accept with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a brown-haired Hispanic male contact 25-35 years of age, 5'6"-5'8" tall and weighing 140-160 lbs with a goatee. Production Manager who is authorized to accept docs named Carlos Herrera accepted docs by hand delivery at front reception desk.

MARRIED Yes No Refused (circle one)

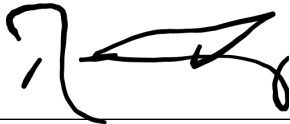
SPOUSE NAME null

Service Fee Total: **\$95.00**

No Notary is Required per NRS 53.045

I am a citizen of the United States, over the age of eighteen, not a party to nor interested in the above entitled action, and have the proper authority in the jurisdiction in which this service was made. Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true and accurate.

NAME:



11/16/2023

Don Taylor

Date

Registration Number: R-2022-13398

PO Box 778324

Henderson, NV 89077

480-289-0770



REF: REF-13980042

Page 1 of 1

Tracking #: 0118328908

